

REMARKS

Applicants have carefully considered the October 5, 2006 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-24 were pending in this application. In response to the Office Action dated October 5, 2006, claims 5, 6 and 17 have been canceled and replaced with new claims 25, 26 and 27, respectively. Claims 1, 4, 7, 10, 16, 18, 19, 20 and 21 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

At page 8 of the Office action, the Examiner identified several discrepancies in the claims. Applicants have amended the claims to place a period at the end of the claims, as requested by the Examiner. Moreover, Applicants have amended claim 23 in accordance with the Examiner's helpful suggestion. Accordingly, reconsideration and withdrawal of the objections are solicited.

Claims 1-24 were rejected under the second paragraph of 35 U.S.C. § 112. The Examiner objected to the use of the term "types" in claim 1. Applicants have amended claim 1 to recite, in pertinent part, that the light emitting layer contains two or more different luminescent materials. With regard to claim 16, Applicants have removed the term "heavy".

The Examiner, at page 2 of the Office action, asserted that that structure of the phosphorescent material of formula (A1) as further defined by claims 5 and 6, and the structure of the phosphorescent material of formula (B1) as further defined by claim 17 is not clear. In particular, the Examiner stated that it was not clear if the "N" shown in formula (A2) in claim 6 is the nitrogen of the pyridine rings in (A1), such that R2 forms a ring that is fused to the pyridine ring, or of R2 is a substituted phenyl group with at least an amino group as a substituent. Moreover, the Examiner stated that it was not clear if the lines extending to the right and lower right in formulae (A3) and (B2) indicate bonding positions to the pyridine ring and metal of the parent structure, or if one or more of these lines indicate a substituent.

The Examiner suggested that the claims should be amended to provide the entire formula for the phosphorescent material in claims 5, 6 and 17, rather than just a portion of the formula. In response, Applicants have replaced claims 5, 6 and 17 with new claims 25, 26 and 27. Accordingly, it is believe the rejection is now moot.

With respect to claims 18-21, the Examiner objected to the term "second" assisting dopant since the claims from which they directly depend, do not explicitly recite a "first" assisting dopant. Applicants have amended the claims to remove the term "second" and the claims now recite "an assisting dopant".

Accordingly, one having ordinary skill in the art would not have difficulty understanding the scope of the presently claimed invention, particularly when reasonably interpreted in light of the supporting specification. Therefore, it is respectfully submitted that the imposed rejection under 35 U.S.C. § 112, second paragraph is not legally viable and hence, Applicants solicit withdrawal thereof.

Claims 1-6, 12, 15-18 and 21-24 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Mishima et al. (U.S. Pat. App. Pub. No. 2001/0053462, hereinafter

“Mishima”). In the statement of the § 102(b) rejection, the Examiner referred to Examples 1-4 of Mishima, asserting the disclosure of a light emitting device corresponding to that defined in independent claim 1. Claims 1-24 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Mishima. It is noted that the Examiner’s analysis in the § 103 rejection is directed to the dependent claims. Applicants traverse the rejections in view of the following.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). Moreover, in imposing the rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). There are significant differences between the claimed invention and device disclosed by Mishima that would preclude the factual determination that Mishima identically describes the claimed inventions within the meaning of 35 U.S.C. § 102.

Mishima discloses a styrylbenzene analog (a blue light-emitting material), Ir(ppy)<sub>3</sub> and pyran (a DCM analog) as the blue, green and red light-emitting dopants. In contrast, amended independent claim 1, recites Tris (2-phenylquinoline) iridium, a derivative of the Tris (2-phenylquinoline) iridium or an iridium complex as the phosphorescent material. The above argued difference between the claimed device and the light-emitting device of Mishima undermines the factual determination that Mishima discloses the organic EL device identically corresponding to that claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson*

*Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 U.S.P.Q. 86 (Fed. Cir. 1986). Applicants, therefore, submit that the imposed rejection under 35 U.S.C. § 102 for lack of novelty as evidenced by Mishima is not factually viable and, hence, solicit withdrawal thereof.

The rejection of claims 1-24 under 35 U.S.C. § 103(a) predicated upon Mishima is not legally viable for the reasons advocated above. Mishima fails to disclose or suggest phosphorescent material selected from Tris (2-phenylquinoline) iridium, a derivative of the Tris (2-phenylquinoline) iridium or an iridium complex. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are solicited. Further, if any independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

**Application No.: 10/809,804**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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